

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

Master File No. 1:00-1898  
MDL 1358 (SAS) (DCF)  
M21-88

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This document relates to:

Incorporated Village of Mineola, et al.  
AGIP, Inc. et al., 03 Civ. 10051

Carle Place Water District v. AGIP Inc.  
et al., 03 Civ. 10053

**NOTICE OF MOTION**

Village of Hempstead v. AGIP, Inc. et al.,  
03 Civ. 10055

Westbury Water District v. AGIP Inc. et al.,  
03 Civ. 10057

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PLEASE TAKE NOTICE that pursuant to the Order dated August 19, 2010, and upon the pleadings and Memorandum of Law annexed hereto, Third-Party Defendant Northville Industries Corporation respectfully moves this Court, before the Hon. Shira A. Scheindlin, at the United States Courthouse, 500 Pearl Street, Room 1620 New York, New York, on the 25<sup>th</sup> day of October, 2010 for an Order (1) pursuant to Fed. R. Civ. P. 12(b)(1), dismissing or remanding these actions for lack of subject matter jurisdiction, (2) pursuant to Fed. R. Civ. P. 12(b) and 14(a), dismissing various claims asserted in the Third-Party Complaints in the above actions on the grounds that they are improper and exceed the permissible scope of an impleader action, and (3) pursuant to Fed. R. Civ. P. 12(b)(6), dismissing various claims asserted in the Third-Party Complaints on the grounds that they are time-barred under governing statutes of

limitation and/or fail to state claims upon which relief can be granted; together with such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Endorsed Order, opposing affidavits and briefs, if any, must be filed by October 15, 2010.

Dated: New York, New York  
September 24, 2010

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